

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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CHRISTOPHER CAPLES,

Case No. 3:25-cv-00178-MMD-CLB

Plaintiff,

ORDER

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MICHAEL BECKER, *et al.*,

Defendants.

Pro se Plaintiff Christopher Caples, who is incarcerated in the custody of the Nevada Department of Corrections, is attempting to file a lawsuit alleging violation of his constitutional rights. (ECF No. 1-1.) However, he has not timely either completed an application to proceed *in forma pauperis* ("IFP Application") or paid the filing fee. (ECF No. 6.) Before the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge Carla Baldwin (*id.*), recommending the Court dismiss this case without prejudice for this reason, along with denying his pending motions for appointment of counsel as moot. Instead of objecting to the R&R, Caples filed a motion for leave to file an amended complaint. (ECF No. 7.) The Court explained in a Minute Order that he must either pay the filing fee or complete an IFP Application before his case can proceed, gave him a *sua sponte* extension of time to do these things, and warned him that if he did not timely comply, the Court would dismiss his case without prejudice and deny his motion to amend as moot as well. (ECF No. 8.) But to date, no objections to the R&R have been filed. Because there is no objection, and as further explained below, the Court will adopt the R&R and dismiss this case without prejudice.

Because there is no objection, the Court need not conduct de novo review, and is satisfied that Judge Baldwin did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and

1 recommendations is required if, but *only* if, one or both parties file objections to the
2 findings and recommendations." (emphasis in original)). Judge Baldwin weighed the
3 correct factors in her R&R and reached the conclusion that dismissal without prejudice is
4 the appropriate thing to do here. (ECF No. 6 at 2.) Having reviewed the R&R, Judge
5 Baldwin did not clearly err.

6 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF
7 No. 6) is accepted and adopted in full.

8 It is further ordered that this case is dismissed, in its entirety, without prejudice.

9 It is further ordered that Caples' motions for appointment of counsel (ECF Nos. 3,
10 5) are denied as moot.

11 It is further ordered that Caples' motion for leave to file a first amended complaint
12 (ECF No. 7) is denied as moot.

13 The Clerk of Court is directed to enter judgment accordingly and close this case.

14 DATED THIS 16th Day of June 2025.



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16 MIRANDA M. DU
17 UNITED STATES DISTRICT JUDGE
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